



December 9, 2003

DIRECTOR'S MEMORANDUM: 3-04

**FOR: REGIONAL ADMINISTRATORS AND DIRECTORS FOR
VETERANS' EMPLOYMENT AND TRAINING**

**FROM: GORDON J. BURKE, JR.
Director, Operations and Programs [Approved]**

SUBJECT: Veterans' Preference Procedures

I. Purpose:

To provide Veterans' Employment and Training (VETS) staff with a change to the closing letter for Veterans' Preference claimants.

II. Background:

The Veterans Employment Opportunities Act of 1998 (VEOA) allows individuals covered under this Act, who believe that their veterans' preference rights have been violated, to file a claim with VETS. This Act has very specific time lines for filing a claim with VETS and for appealing a decision to the Merit Systems Protection Board (MSPB). To ensure that a veteran does not lose his or her right to redress, it is incumbent on VETS staff to ensure that the veteran is notified of these time frames and the options for both administrative and judicial redress.

III. Guidance:

Director's Memorandum (DM) 20-02, dated April 2, 2002, included an attachment of a sample closing letter. This letter indicated an MSPB Internet site that provided information on MSPB "Questions and Answers About Appeals." This Internet site, <http://www.mspb.gov/foia/forms-pubs/qaappeal.html>, provides information to claimants to assist them in the filing of their appeal with MSPB. MSPB recently added the capability for claimants to file their appeal electronically. This new MSPB Internet site, <http://www.mspb.gov/e-appeal.html>, provides instructions to claimants who desire to utilize the option to file their appeal electronically. A copy of the revised DRAFT closeout letter containing this new information is attached.

IV. Action:

RAVETs will ensure that all VETS field investigative staff are notified of the contents of this Memorandum.

V. Inquiries:

Any questions concerning this Memorandum should be directed to Pat Harvey at (304) 528-5873 or e-mail at Harvey.Patrick@dol.gov.

Expiration Date: Until superseded.

Attachment Below

DRAFT close out letter to VP claimant:

Certified Mail - Return Receipt

VETS Case Number_____

Dear Claimant:

This is to advise you that the Department of Labor is closing its investigation of your complaint relating to veterans' preference that was filed with this Agency on (date). Your claim was filed in a timely manner in accordance with Section 3330a(a)(2)(A) of Title 5 of the United States Code (U.S.C.).

Based on our investigation, we have determined that your claim has (or does not have) merit. IF MERIT: However, although we determined that your claim has merit, we were not able to obtain resolution. IF NO MERIT: give reason(s).

The current status of the issue(s) raised in your claim is/are as follows:

1. Issue - resolved/unresolved
2. Issue - resolved/unresolved
3. Etc.

Section 3330a(d) of Title 5 U.S.C. provides that you may appeal your case to the U.S. Merit Systems Protection Board (MSPB). **Should you elect to appeal to the MSPB, you have fifteen days (15) from receipt of this letter to do so.** Your appeal should be sent to:

(Enter here the appropriate MSPB Regional or Field Office - the address for these offices may be found on the MSPB Internet site at <http://www.mspb.gov/offices/directory.html>.)

A copy of the MSPB Appeal Form is enclosed for your convenience. If you prefer, you may file your MSPB appeal electronically at <http://www.mspb.gov/e-appeal.html>.

If you have questions concerning the appeal process, you may call the MSPB at 1-800-209-8960. The MSPB also has an Internet site, "Questions and Answers About Appeals" at <http://www.mspb.gov/foia/forms-pubs/qaappeal.html>.

Sincerely,

"Investigator"